THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ______ DEPUTY

UNITED STATES OF AMERICA, Plaintiff, vs. 1.55 ACRES OF LAND, MORE OR LESS, SITUATE IN SAN DIEGO COUNTY, STATE OF CALIFORNIA; AND NAOMI ASCHNER, ET AL., Defendants.	DECLARATION OF TAKING '08 CV 1262 WQH NLS CIVIL NO.

I, Robert Janson, Acting Executive Director, Facilities Management and Engineering, Department of Homeland Security, U.S. Customs and Border Protection, under the authority delegated to me by the Act of Congress approved November 25, 2002, as Public Law 107-296, 116 Stat. 2311 and codified at 6 U.S.C. Sections 202, 251, 551, and 557, which transferred certain authorities of the Attorney General to the Secretary of Homeland Security; and by DHS Delegation No. 7010.3(II)(B), which delegated land acquisition authority from the Secretary of Homeland Security to the Commissioner of U.S. Customs and Border Protection; and by CBP Delegation 08-004, which delegated land acquisition authority to the Executive Director of Facilities Management and Engineering, do hereby make the following declaration:

1. The property is hereby taken under and in accordance with the authorities set forth in Schedule "A" attached hereto and made a part hereof.

2. The public purpose for which said property is taken is set forth in Schedule "B" attached hereto and made a part hereof. The said land has been selected under my direction for acquisition by the United States for the above-referenced project in San Diego County, State of California.

3. A general description of the land being taken is set forth in Schedule "C" attached hereto and made a part hereof.

4. A plan showing the property being taken is shown on Schedule "D" attached hereto and made a part hereof.

5. The estate taken is described on Schedule "E" attached hereto and made a part hereof.

6. The sum estimated by the undersigned as just compensation for the land being taken is set forth in Schedule "F" attached hereto and made a part hereof. The undersigned is of the opinion that the ultimate award for said land probably will be within any limits prescribed by law to be paid therefor.

7. The names and addresses of known parties having or claiming an interest in said property are set forth in Schedule "G" attached hereto and made a part hereof.

8. The United States made best efforts to negotiate purchase of the property interest sought prior to filing this condemnation action.

IN WITNESS WHEREOF, the undersigned, Acting Executive Director, Facilities Management and Engineering, Department of Homeland Security, U.S. Customs and Border Protection, hereunto subscribes his name by direction of the Secretary of the Department of Homeland Security, this 26th day of June, 2008 in the City of Washington, District of Columbia.

Robert Janson
Acting Executive Director
Facilities Management and Engineering
Department of Homeland Security
U.S. Customs and Border Protection

SCHEDULE "A"

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with the Act of Congress approved on February 26, 1931, as 46 Stat. 1421 and codified at 40 U.S.C. Section 3114, and the Act of Congress approved August 1, 1888, as 25 Stat. 357 and codified at 40 U.S.C. Section 3113, and any acts supplementary thereto and amendatory thereof; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, Stat. 3009-546, 3009-554, as amended and codified at 8 U.S.C. Section 1103(b) & note; and the Act of Congress approved October 4, 2006, as Public Law 109-295, Title II, 120 Stat. 1355, which appropriated the funds which shall be used for the taking.

SCHEDULE "B"
PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, and related structures designed to help secure the United States/Mexico border within the State of California.

SCHEDULE "C"
LEGAL DESCRIPTION

Tract: SDC-BRF-813E

A strip of land situated within fractional Section 27, Township 18 South, Range 3 East, of the San Bernardino Principle Meridian, County of San Diego, State of California. Coordinate value datum; California State Plane, NAD 83, Zone 6. Entire property having an assessor's parcel numbers 652-150-0700, 652-150-0800 and 652-150-1100 and more particularly described as follows:

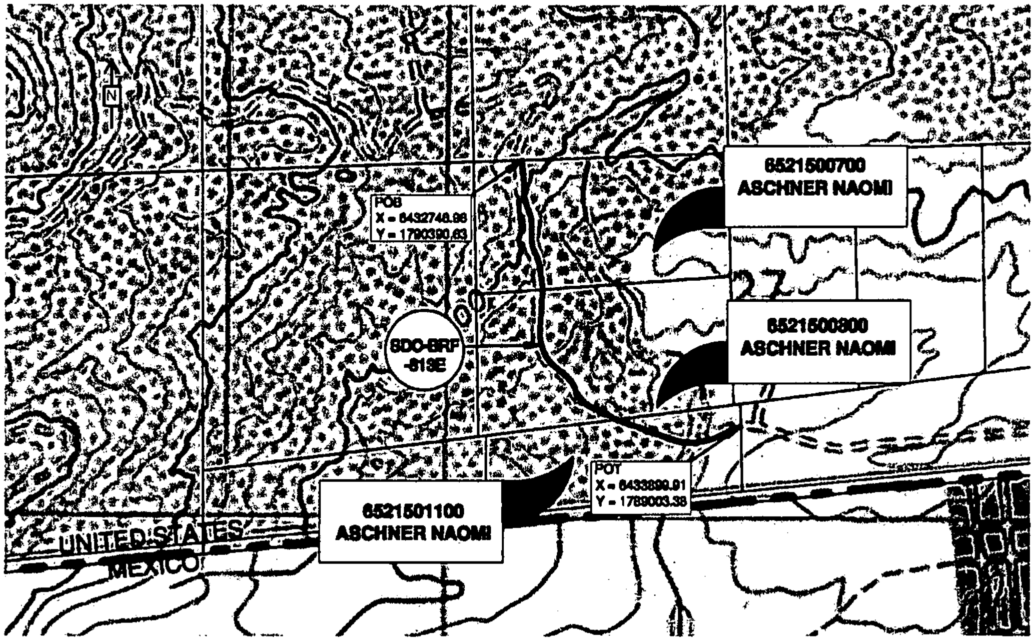
Said strip being 2243.54 feet in length, 30 feet in width, parallel to and 15 feet to the left of and 15 feet to the right of and measured at right angles to the following described centerline.

Beginning at a point on the Northerly property boundary of said parcel, having an assessor's parcel numbers 652-150-0700. Said point having a coordinate value of X= 6432746.96 and Y= 1790390.63.

Thence, meandering along the centerline of the existing road in a Southeasterly direction, a distance of approximately 2243.54 feet in length to the Point-of-Termination. Said P.O.T being the Easterly property boundary of A.P.N. 652-150-1100 and having a coordinate value of X= 6433899.91 and Y= 1789003.38.

Said strip of land containing an area of 1.55 acres more or less.

SCHEDULE "D"


N
POB
X = 6432748.98
Y = 1790390.63
SDC-BRF
-813E
6521500700
ASCHNER NAOMI
6521500800
ASCHNER NAOMI
27
6521501100
ASCHNER NAOMI
POT
X = 6433890.91
Y = 1789003.38
UNITED STATES
MEXICO

Tract: SDC-BRF-813E:

A strip of land situated within partial Section 27, Township 18 South, Range 3 East, of the San Bernardino Principle Meridian, the entire parcel having an assessor's parcel numbers 652-150-0700, 652-150-0800 and 652-150-1100.

Said strip of land containing an area of 1.55 acres more or less.

— PROPOSED TAKING (Acquisition)

SCHEDULE "E"
ESTATE TAKEN

Tract No. SDC-BRF-813E:

A perpetual and assignable easement and right-of-way in, over and across the land described in Schedule "C" for the location, construction, operation, maintenance, alteration and replacement of a road and appurtenances thereto; together with the right to trim or remove any vegetative or structural obstacles that interfere with the right-of-way; subject to minerals and rights appurtenant thereto, and to existing easements for public roads, highways, public utilities, railroads and pipelines; reserving, however, to the owners, their successors and assigns, the right to use the surface of such land as access to their adjoining land or for any other use consistent with its use as a road.

SCHEDULE "F"

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is FOURTEEN THOUSAND, NINE HUNDRED TWENTY-ONE DOLLARS ($14,921.00), to be deposited herewith in the registry of said Court for the use and benefit of the persons entitled thereto.

SCHEDULE "G"
NAMES AND ADDRESSES OF INTERESTED PARTIES

Naomi Aschner
P.O. Box 459
Tecate, California 91980
or
c/o Craig Sherman, Esq.
1901 First Avenue, Suite 335
San Diego, California 92101

Kunwar S. Kumar
240 W. 14th Street, Apartment 5
New York, New York 10011-7218

San Diego Rural Fire Protection District Community
Facilities District No. 04-1
14145 Highway 94
Jamul, CA 91935

TAXATION AUTHORITY:
County of San Diego Assessor's Office
1600 Pacific Highway
Room 103
San Diego, CA 92101-2429